

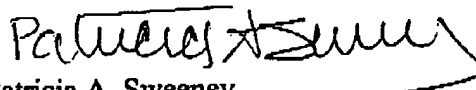
REMARKS

Applicant has cancelled claims 10-15, and 32. Currently pending with the entry of this amendment are claims 3, 4, 9, 27, 31 and 34.

In an interview with the Examiner on August 23, 2005, the applicant's attorney discussed with the Examiner that the presentation of the nucleotide sequence of SEQ ID NO: 7, the genomic sequence of the SBMu200 gene, along with its use, provides enablement for claims relating to the sequence and vector, to which the Examiner agreed. The Examiner also agreed that claims to plants and plant cells of maize comprising the sequence are allowable, and claims 4, 9, 27 and 31 are amended to so recite. The Examiner also located the Deposit Statement previously submitted, and has requested a Statement be re-submitted. Any reference to seed is removed, and a copy of both the deposit form and the receipt from the ATCC is included with this amendment, reflecting receipt of deposit of vector pBluescript SK in *E. coli* of SB200-8.1. The Examiner's attention is directed to the last paragraph of the Statement indicating that restrictions on the deposit will be removed irrevocably upon the granting of a patent. The information is also present in the conditions set out in the receipt from the ATCC. The deposit number was presented in the application in claim 34. Claim 34 is thus also in condition for allowance.

This amendment is presented to comply with the Examiner's request and does not present new matter. Entry is respectfully requested along with allowance of claims 3, 4, 9, 27 and 34.

Respectfully submitted,



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